

PROGRAMMATIC ENDANGERED SPECIES ACT CONSULTATION, PHASE I

**Mooring Buoys
List of Requirements**

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Programmatic Endangered Species Act (ESA) Consultations [U.S. Fish and Wildlife Service (USFWS) reference number 01EWF00-2015-I-0104, National Marine Fisheries Service (NMFS) reference number WCR-2005-07506] have been completed for the activities listed below. If you can design your project to meet all or most of the requirements of the Programmatic Biological Evaluation as summarized on this List below, then the U.S. Army Corps of Engineers' (Corps) ESA review of your permit application will be expedited and streamlined. The submittal of this List to the Corps is not required. However, to further expedite your review, you may include a description of how you meet these requirements in your permit application materials.

	Programmatic ESA Requirements
	1. Work will be performed within the approved work windows for listed species and forage fish. The action shall only occur once within the approved work window for a single and complete project. These work windows are located on the Corps website at www.nws.usace.army.mil . Select Regulatory Branch, Permit Information, Permit Guidebook, Chapter X. Work Windows. (<i>Note: Work windows are only required to meet NMFS programmatic conditions. Work windows are required for the USFWS programmatic <u>only</u> if the buoy will be installed in or within 328 feet of documented forage fish spawning habitat, work will only occur during the appropriate forage fish work window. Otherwise, no work window restriction for USFWS programmatic.</i>)
	2. Activity is limited to placement of mooring buoys for single boat, non-commercial use.
	3. Buoy location will be accessed by a small boat or dinghy.
	4. Buoy installation will take place as follows: a. One or two SCUBA divers will screw a helical anchor into the substrate. b. If the substrate is too hard for a helical screw, a 5-gallon bucket filled with cured concrete will be used. c. If substrate is too hard for a helical screw and a 5-gallon bucket filled with concrete is not adequate, a fully cured concrete block or steel anchor up to a maximum weight of 2.5 tons and maximum size of 4 cubic yards dependent on buoy size can be used.
	5. Uncured concrete will not be allowed to come into contact with surface water.
	6. Buoys will be placed at a tidal elevation between -15 feet relative to Mean Lower Low Water (MLLW) and -30 feet relative to MLLW or, in freshwater, at a depth of greater than 15 feet. (<i>Note: Required to meet NMFS programmatic conditions only. No depth requirement for USFWS programmatic conditions.</i>)
	7. The buoy will be 3 feet or less in diameter, made of a Styrofoam ball with plastic coating and a steel rod through the center with key holes at the top and bottom: one for the anchor attachment and one for the boat moorage.

	Programmatic ESA Requirements
	8. The anchor, buoy, and moored vessel will not be located over or within 25 feet of vegetated shallows (e.g. eelgrass; except where such vegetation is limited to State-designated noxious weeds). The anchor must be located at least 25 feet plus the length of the moored structure from vegetated shallows.
	9. The anchor, buoy, and moored vessel will not be located over or within 25 feet of spawning habitat for forage fish species. The anchor must be located at least 25 feet plus the length of the moored structure from spawning habitat.
	10. Buoys will not exceed four per acre at any time.
	11. Buoy anchors will be installed so that the anchor line does not drag or scour.
	12. Flotation will be completely contained to prevent breakup.
	13. Moored vessels will not ground out at low water.

	GENERAL CONDITIONS (as applicable)
	G1. No new access roads, routes, or trails will be included as part of the proposed action.
	G2. Any fill material (e.g., sand, gravel, and rock) will be washed and cleaned prior to being brought to the site.
	G3. All fill material will be obtained from a commercial source that is operating in compliance with the Endangered Species Act.
	G4. No stockpiling or staging of material will occur waterward of the Ordinary High Water Mark (OHWM) or High Tide Line.
	G5. No trenching will occur through any water of the U.S. (i.e., for electrical cables).
	G6. No work will be performed and structures and fill materials will not be placed in or adjacent to vegetated shallows (e.g. eelgrass; except where such vegetation is limited to State-designated noxious weeds), wetlands, special aquatic sites, or suitable forage fish spawning habitat.
	G7. Barges will not be used within 25 feet and material will not be placed in or on vegetated shallows (e.g. eelgrass; except where such vegetation is limited to State-designated noxious weeds) or other special aquatic sites.
	G8. If a barge is used to deliver material, the barge or other structures shall not ground out on the bottom.
	G9. The bottom of any structure, vessel, watercraft grid or watercraft lift will be at least 1 foot above the level of the substrate during all water levels.
	G10. All equipment that will operate over water or waterward of the OHWM or High Tide Line will be cleaned of accumulated grease, oil, or mud. All leaks will be repaired prior to arriving on site. Equipment will be inspected daily for leaks, accumulations of grease, etc., and any identified problems will be fixed before operating over water or below the OHWM or High Tide Line.
	G11. No solvents or other chemicals will be used in or over the water during the construction or operation of the proposed action.

	GENERAL CONDITIONS (as applicable)
	G12. No waste material, including material associated with treated wood decks, will enter the waterbody.
	G13. All waste material and construction debris will be collected and disposed of at an approved facility that is in compliance with the Endangered Species Act.
	G14. Any leftover construction materials will be collected and disposed of off-site.
	G15. All floating debris generated during construction will be retrieved, removed, and disposed of at an approved upland location.
	G16. Two oil absorbing floating booms, appropriate for the size of the work area, will be available onsite whenever heavy equipment operates within 150 feet of open water and there is a potential for hazardous materials to enter surface waters. The booms will be stored in a location that facilitates immediate deployment in the event of a spill.
	G17. Fueling and servicing of equipment will be confined to an established staging area that is at least 150 feet from open water or wetlands. Spill containment systems must be adequate to contain all fuel leaks.
	G18. Equipment and vehicles will be stored in established staging areas when not in use (excluding cranes, which cannot be easily moved).
	G19. A written spill prevention, control, and countermeasures plan should be prepared for activities that include the use of heavy equipment. The plan should describe measures to prevent or reduce impacts from accidental leaks or spills, and will contain a description of all hazardous materials that will be used, proper storage and handling, and monitoring methods. A spill kit should be available onsite during construction and stored in a location that facilitates immediate deployment if needed.
	G20. If work will be done in or within 25 feet of an existing or previously designated Superfund site or Washington State Model Toxic Control Act (MTCA) site, BMPs established by EPA during CERCLA coordination or Washington State Department of Ecology during MTCA will be followed.
	G21. All activities that may result in sound levels of 92 dBA or more within suitable marbled murrelet nesting habitat, or less than 92 dBA and located within 11 yards of suitable marbled murrelet nesting habitat, will occur outside the breeding period (April 1 to September 15).
	G22. All activities that may result in sound levels of 92 dBA or more within suitable northern spotted owl nesting, roosting, and/or foraging habitat, or less than 92 dBA and located within 20 yards of suitable northern spotted owl nesting, roosting, and/or foraging habitat, will occur outside the early breeding period (March 1 through July 15).
	G23. Projects located within Wahkiakum and Cowlitz Counties, west of Longview and east of Skamokawa, will not alter woodland or tidal spruce forest that are suitable Columbia white-tailed deer habitat and will not enable higher traffic speeds or volumes.
	G24. Projects constructed on islands in the Columbia River between 2 miles east of Cathlamet and 2 miles west of Skamokawa will not occur from June 1 through June 30 to protect Columbia white-tailed deer fawning.

	GENERAL CONDITIONS (as applicable)
	G25. Projects within 1/4 mile of suitable western snowy plover nesting or foraging habitat will not occur from March 15 through September 30.
	G26. The project will comply with the <i>General Implementation Conditions</i> for our programmatic consultations (<i>Note:</i> These are located on our website at www.nws.usace.army.mil . Select Regulatory Branch, Permit Information, Forms & Templates).